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EXAMINER

HIRL, JOSEPH P

ART UNIT PAPER NUMBER

2121

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/083,022

Applicant(s)

MIKSOVSKY, JAN THOMAS

Examiner

Joseph P. Hirl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to an AMENDMENT entered August 23, 2004 for the patent application 10/083,022 filed on February 26, 2002.
2. The First Office Action of May 14, 2004 is fully incorporated into this Final Office Action by reference.

Status of Claims

3. Claim 17 is amended. Claims 1-12 are cancelled. Claims 13-31 are pending.

Confirmation of Claims

4. The applicant's amendment dated July 5, 2002, among other changes, stated on page 2 that claims 14-32 were added. However, on page 6 and 7 of the subject amendment, the amendment terminates with claim 31. Applicant is requested to confirm in the response to this action the actual claim numbers that are active.

This objection must be corrected.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 13-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Bertrand et al (U. S. Pub. 2002/0069189 referred to as **Bertrand**). Specific Examination considerations applicable to all claims are identified at the end of the office action.

Claim 13

Bertrand anticipates a) in response to user interface designer inputs, said application producing at least one intention, said at least one intention having an associated set of parameters (**Bertrand**, p 0324); b) supplying said at least one intention and its associated set of parameters to an expert system (**Bertrand**, p 0326); c) in response to receiving said at least one intention and its associated set of parameters, the expert system: i) selecting a code module from a multitude of code modules (**Bertrand**, p 0083); ii) selecting a rule from a set of rules within the selected code module (**Bertrand**, p 0324); and iii) generating user interface instructions from a template associated with the selected rule (**Bertrand**, p 0326; EN; OOPS is the code module establishing the rules from which feedback describes the business deliverable or template); d) supplying said user interface instructions to said application (**Bertrand**,

p 0326); and e) in response to receiving said user interface instructions, said application producing a user interface on said display (**Bertrand**, p 0081).

Claim 14

Bertrand anticipates an application including an incomplete user interface and being adapted to store multiple intentions of a user interface designer of the application, each intention including a set of parameters and at least one of posing a question to the user presenting a piece of information to the user, and defining a task for the user to perform, the incomplete user interface of the application being completed when the one or more intentions are realized (**Bertrand**, ps 0324; 0326; 0389; 0234); and an expert system including one or more components for realizing the multiple intentions, the expert system receiving one of the multiple intentions and each received intention identifying and activating a corresponding component for realizing the received intention, each corresponding component programmatically comprising a set of rules extracted from guidelines, conventions, and principles of user interface design, the set of parameters supplied with each received intention aiding the corresponding component to choose and execute a rule from the set of rules, each rule producing a user interface from a template different from other templates used by other rules (**Bertrand**, ps 0324; 0326).

Claim 15

Bertrand anticipates the produced user interface includes at least one of a graphical user interface, a command-line interface, and an audio user interface (**Bertrand**, p 0081).

Claim 16

Bertrand anticipates comprising a source of external factors, the source of external factors containing information related to the operating environment of the application as well as the background of the user so as to aid the corresponding component to choose and execute a rule from the set of rules (**Bertrand**, ps 0137; 0341; Fig. 8).

Claim 17

Bertrand anticipates each external factor includes at least one of the type of computer on which the application is running, the type of operating system on which the application is running. the types of available input devices, the types of available output devices and the background of the user. (**Bertrand**, p 0109).

Claim 18

Bertrand anticipates each parameter from the set of parameters includes at least one of textual information, a set of choices from which the user is expected to make a selection, pieces of data which the user is allowed to manipulate, a default response to a question posed by the user, an indication that the user is required to respond to the question, an indication that the user may opt out from responding to the question, a type of data that is expected to be received in response to an interaction with the user, a set of constraints on the dimensions of the generated user interface, and an indication of the visual style which the generated user interface may take (**Bertrand**, ps 0326; Fig. 46).

Claims 19, 25

Bertrand anticipates receiving a user interface goal by the expert system, the user interface goal including at least one of a question to be posed to the user, a piece of information to be communicated to the user, and a task to be performed by the user (**Bertrand**, ps 0324; 0326; 0389; 0234); receiving a set of parameters by the expert system, each parameter including at least one of information for presenting to the user, information for the task to be performed by the user. and information for constraining the generated user interface (**Bertrand**, ps 0324; 0326); and generating a user interface by selecting a code module from a set of code modules, each code module being designed to generate user interfaces from multiple templates, the act of selecting a code module including selecting a rule from a set of rules extracted from guidelines, conventions, and principles of user interface design, the act of selecting a rule being aided by the set of parameters, the user interface being produced from a template when the selected rule is executed (**Bertrand**, ps 0083; 0324; 0326).

Claims 20, 26

Bertrand anticipates examining selectively a set of external factors by the expert system each factor being selected from the operating environment of the computer system and the background of the user, the act of selecting a rule being further aided by the set of external factors (**Bertrand**, ps 0137; 0341; Fig. 8).

Claims 21, 27

Bertrand anticipates a user interface goal includes at least one of making the user supply a single string of text, making the user supply a single number, making the

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user pick a single item from a list, making the user pick several items from a list, making the user arrange the items in a list in a preferred order, making the user manage a list of items, making the user organize items in a given structure, and making the user apply one or more operations on a selection of items in a list (**Bertrand**, Fig. 8).

Claims 22, 28

Bertrand anticipates the method is executed at run time while other applications are running (**Bertrand**, p 0081; Fig. 8; workstations are multiprocessors).

Claims 23, 29

Bertrand anticipates the method is executed at design time so that user interfaces generated by the method are stored on storage media (**Bertrand**, ps 0081, 0324, 0326; 0338 Fig. 8; EN: capturing of real time events as the students go through the course requires storage of such events for analysis) .

Claims 24, 30

Bertrand anticipates the generated user interface includes a page function (**Bertrand**, p 0129).

Claim 31

Bertrand anticipates a) in response to user interface designer inputs, said application producing at least one intention, said at least one intention having an associated set of parameters (**Bertrand**, ps 0324; 0326; 0389; 0234); b) supplying said at least one intention and its associated set of parameters to an expert system (**Bertrand**, ps 0324; 0326); c) in response to receiving said at least one intention and its associated set of parameters, the expert system: i) selecting a code module from a

multitude of code modules (**Bertrand**, p 0083); ii) selecting a rule from a set of rules within the selected code module (**Bertrand**, p 0324); and iii) generating user interface instructions from a template associated with the selected rule (**Bertrand**, p 0326; EN; OOPS is the code module establishing the rules from which feedback describes the business deliverable or template); d) supplying said user interface instructions to said application (**Bertrand**, p 0326); and e) in response to receiving said user interface instructions, said application producing a user interface on said display (**Bertrand**, p 0081).

Response to Arguments

7. The objection to the specification is withdrawn.
8. The rejection to claim 17 under 35 U.S.C. 112, second paragraph, is withdrawn.
9. The rejection of claim 12 under U.S.C. 101 is withdrawn.
10. The rejection of claim 12 under U.S.C. 112, first paragraph, is withdrawn.
11. Applicant's arguments filed on August 23, 2004 related to Claims 14-31 have been fully considered but are not persuasive.

In reference to Applicant's argument:

Background of the Invention

A user interface is a portion of a program or an operating system through which a user can instruct a computing device to accomplish a result and through which the device can convey information to the user. User interfaces can be constructed directly in the programming languages used by software programmers, but are more often constructed using specialized user interface development tools. For example, graphical user interfaces are often constructed using a tool called a forms package. A forms

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package typically presents the programmer with a screen (also called a form) that approximates what the user will see. The forms package allows the programmer to add individual graphical user interface controls (e.g., buttons, text entry boxes, list boxes) to the screen, and arrange the controls on the screen.

A graphical user interface for a program may consist of one or many screens. Forms packages allow the programmer complete freedom in constructing user interfaces with whatever screens the programmer desires. However, with this freedom comes the opportunity to make many mistakes. The programmer may create a user interface that is too complex for its users to understand and use properly. The programmer may have inadvertently created a user interface with bugs. An example of a bug is failing to handle correctly the entire range of possible input conditions by users. To reduce the likelihood of problems, programmers typically have learned to manually follow user interface guidelines in de facto conventions that suggest how user interfaces should appear and behave. As an example of the conventions, consider the standard placement of the OK button and the CANCEL button, which typically appear beneath other user interface controls. This convention stems from the fact that a user will interact with other user interface controls first and either the OK button or the CANCEL button second, and that people generally read a screen from top to bottom. It is unacceptable, therefore, to put the OK button or the CANCEL button at the top of the screen above other user interface controls, because a user would be likely to press the OK button or the CANCEL button before selecting an appropriate user interface option.

Portentously, the decision as to which control should be used is left entirely to the programmer. The programmer must evaluate the situation at hand, compare it to the available user interface guidelines, if any, and conventions, and then make an appropriate selection. Failure to select the appropriate user interface pattern may risk confusing users. Complicating the programmer's decision is that, at the time the programmer is writing the program, the programmer is typically unable to know the exact conditions under which the user interface will be used. A program may need to offer the user a list of choices where the number of choices varies greatly depending upon factors that change (e.g., the program needs to display a list of people currently connected to a computer network). The programmer is often forced to make bad decisions based on a theoretical or estimated range of values for such a factor. The decision made at the time of writing the program may result in a user interface that is inappropriate in practice.

Summary of the Invention

Applicant's invention is directed to a computer-based system, method, and computer-readable medium for moving much of the burden of identifying and constructing an appropriate user interface pattern to an expert system, which is programmed to follow guidelines, conventions, and principles of user interface design. A programmer writes an application in a traditional manner, but does not need to create a complete user interface for the application. Instead, the programmer writes code to reflect his intentions for the purpose of the user interface and these pieces of code invoke the expert system, which completes the user interface of the application. The expert system generates an appropriate user interface on the fly and returns this interface to the application. The application then invokes the user interface, which controls user interaction. The user interface communicates with the application as necessary. The user interface eventually returns control to the application when the user interface receives some indication from the user's interaction. Instead of generating the user interface on the fly, alternatively, the expert system generates and stores the user interface for later use during run time of the application. The programmer can use the expert system to generate an application's entire user interface or just a portion of it.

Examiner's response:

The above discussion is acknowledged. However, the Examiner recommends that the applicant review the operator interface of the popular COMPAQ iPAQ Pocket

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PC where the OK button is at the top of the menu. The applicant is reminded that the claims and only the claims form the metes and bounds of the invention and that the specification provides the enablement for the subject claims (Para 14 below). The above discussion cannot be used to insert new matter into the application.

In reference to Applicant's argument:

Summary of Bertrand et al.

Similar to various embodiments of applicant's invention, the system of Bertrand et al. uses an expert system, but the similarity ends there. The system of Bertrand et al. completely lacks the generation of user interface instructions by the expert system. The system of Bertrand et al. focuses on a goal-based educational system with personalized coaching. See the Title of the Invention of Bertrand et al. More specifically, the system of Bertrand et al. is directed to an educational tutorial system that analyzes student inputs to determine appropriate feedback to teach new skills. See the Field of the Invention of Bertrand et al. The feedback of Bertrand et al. includes text feedback, multimedia feedback, and reference material feedback. The system of Bertrand et al. uses feedback to correct the faulty business habits of students and raise the students' general business competence. There can be no reasonable interpretation that feedback of Bertrand et al. is somehow identical to applicant's generation of user interfaces by the expert system.

Examiner's response:

Para 14 applies. The claims and only the claims form the metes and bounds of the invention. The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Each claim and subclaim element was addressed in the First Office Action dated May 14, 2004. Arguments are made on the basis of the applicant's claims and not on the relevance of one specification as opposed to another.

In reference to Applicant's argument:

The principal concerns of Bertrand et al. are that present educational expert systems often suffer from a lack of motivational aspects that result in a student becoming bored or ceasing to complete a training program. Current training programs use static, hard-coded feedback with some linear video and graphics, which are used to add visual appeal and illustrate concepts. These educational systems typically support one correct answer and navigation through the educational systems is only supported through a single defined path resulting in a two-dimensional generic interaction. No business model support can be provided and only a single instance of feedback is provided to the student regarding whether a selected

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response is correct or not correct. The essence of the teachings of Bertrand et al. is that current educational tutorial systems do not architect real business simulations into the rules, which are used by the expert system, to provide a creative learning environment to a user. Bertrand et al. has nothing to do with the generation of user interfaces as in various embodiments of applicant's invention.

To solve these perceived problems associated with current educational tutorial systems, Bertrand et al. provides a goal-based learning system, which uses a rule-based expert training system to provide a cognitive educational experience. It is truly a mystery what this has to do with the inventive subject matter of applicant's invention, which has to do with generating user interfaces so that a user may, use to interact with a computer s sue. The system of Bertrand et al. provides the user with a simulated environment that presents a business opportunity to understand and solve optimally. Mistakes are noted by the system of Bertrand et al. and remedial educational material is presented dynamically to build the necessary skills that a user requires for success in the business endeavor. In other words, the system of Bertrand et al. acts as a simulator to simulate a business environment in which a user is free to experiment to gain skills without real world financial repercussions. A robust business model is allegedly provided by the system of Bertrand et al. for supporting realistic activities and allowing users to experience real world consequences for their actions and decisions in a tutorial system, which analyses student inputs and determines appropriate feedback to teach new business skills.

Examiner's response:

Para 14 applies. The claims and only the claims form the metes and bounds of the invention. The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Each claim and subclaim element was addressed in the First Office Action dated May 14, 2004. Arguments are made on the basis of the applicant's claims and not on the relevance of one specification as opposed to another.

In reference to Applicant's argument:

The Claims Distinguished

The Office has failed to show, and applicant is unable to find, where any of the cited and applied references, either alone or in combination, disclose the subject matter of the claimed invention. For example, none of the applied and cited references teaches "in response to receiving said at least one intention and its associated set of parameters, the expert system... generating user interface instructions from a template associated with the selected rule" as recited in Claims 13 and 31, among other claimed limitations. The system of Bertrand et al. uses an expert system to provide the user with a simulated business environment-but not for the purpose of generating user interface instructions from a template associated with a selected rule.

Examiner's response:

Para 14 applies. The claims and only the claims form the metes and bounds of the invention. The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Each claim and subclaim element was addressed in the First Office Action dated May 14, 2004. As reference in both claims 13 and 31, Bertrand @ 0326 applies. As explained via EN, OOPS is the code module establishing the rules from which feedback describes the business deliverable or template. All of the features of the applicant's claim are present and used: interface instructions, template and rules. The applicant needs to understand that the Examiner is able to interpret the claims in the manner indicated because the applicant has written the claims to accommodate such interpretation.

In reference to Applicant's argument:

As explained in the background of the pending application, software programmers construct user interfaces using programming languages or specialized user interface development tools. The freedom to construct user interfaces comes with the opportunity to make mistakes, resulting in user interfaces that are too complex for their users to understand and use properly. The lack of knowledge by the programmer regarding the exact conditions under which the user interface will be used may result in a user interface that is inappropriate in practice. The system of Bertrand et al. suffers from these same problems. Bertrand et al. explains that "once the simulation model, system dynamics model and feedback are completely tested by designers, developers can incorporate [simulated business tasks] in a graphical user interface, e.g., Visual Basic, as a development platform." See paragraph 0884 of Bertrand et al. What this shows is that the system of Bertrand et al. manually creates user interfaces with programming languages or specialized user interface development tools, which is the traditional practice of creating user interfaces. The system of Bertrand et al. is not using its expert system to generate a user interface because its user interfaces are already generated using Visual Basic. The system of Bertrand et al. does not need to generate user interface instructions from a template associated with a selected rule using the expert system. Thus, the Office has failed to state a prima facie case of anticipation.

Examiner's response:

Para 14 applies. The claims and only the claims form the metes and bounds of the invention. The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Each claim and subclaim element was addressed in the First Office

Action dated May 14, 2004. Arguments are made on the basis of the applicant's claims and not on the relevance of one specification as opposed to another.

In reference to Applicant's argument:

The Office has alleged that the claimed limitation "the expert system ... generating user interface instructions in accordance with the template associated with the selected rule" can be found at paragraph 0326 of Bertrand et al. There is nothing whatsoever at the cited paragraph that can be reasonably interpreted to disclose the claimed limitation "the expert system ... generating user interface instructions from a template associated with the selected rule." To make this explanation clear, applicant recites paragraph 0326 of Bertrand et al. in full:

The Intelligent Coaching Agent Tool (ICAT) is a suite of tools-a database and a Dynamic Link Library (DLL) run-time engine-used by designers to create and execute just-in-time feedback of Goal Based training. Designers write feedback and rules in the development tools. Once the feedback is set the run-time engine monitors user actions, files rules and composes feedback which describes the business deliverable. (Emphasis provided)

It would appear that the cited portion of Bertrand et al. by the Office teaches exactly opposite from the claimed limitation "the expert system ... generating user interface instructions from a template associated with a selected rule." The reason for that is because designers have to manually write feedback and rules in the development tools. The claimed limitation specifies that it is the expert system that generates user interface instructions. That cannot be found in Bertrand et al.

Examiner's response:

Para 14 applies. The claims and only the claims form the metes and bounds of the invention. The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Each claim and subclaim element was addressed in the First Office Action dated May 14, 2004. As reference in both claims 13 and 31, Bertrand @ 0326 applies. As explained via EN, OOPS is the code module establishing the rules from which feedback describes the business deliverable or template. All of the features of the applicant's claim are present and used: interface instructions, template and rules. Arguments are made on the basis of the applicant's claims and not on the relevance of one specification as opposed to another. An expert system

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constitutes rules and interpretation or execution of rules such as described in Para 0326. The applicant needs to understand that the Examiner is able to interpret the claims in the manner indicated because the applicant has written the claims to accommodate such interpretation.

In reference to Applicant's argument:

Among other differences, none of the applied and cited references teaches "an application including an incomplete user interface..., the incomplete user interface of the application being completed when the one or more intentions are realized" as recited in independent Claim 14, among other claimed limitations. The Office has argued that the system of Bertrand et al. teaches this feature of the claimed invention at paragraphs 0324, 0326, 0389, and 0234. This cannot be correct. Paragraphs 0324, 0326 of Bertrand et al. describe the use of development tools by designers to write feedback and rules. There is no mentioning of an application that includes an incomplete user interface, which becomes completed when one or more intentions are realized. Paragraph 0389 of Bertrand et al. discloses the following:

When identifying problems, the tutor needs to prompt the student to reflect on a problem and start to point the student towards the answer. The tutor should not tell the student the answer, but instead should attempt to provide an appropriate answer or give the student a question to think about.

It is unclear what this has to do with Claim 14, which recites "a system for generating user interfaces so that a user may interact with a computer system." Paragraph 0234 of Bertrand et al. similarly fails to disclose anything that is even remotely relevant.

Examiner's response:

Para 14 applies. The Examiner has full latitude to interpret each claim in the broadest reasonable sense. The incomplete user interface is simply the student's initial answer to the tutor. The tutor has the intention to have the student complete the answer and when the full answer is established, one or more intentions are realized. User interfaces are established by the tutor and the user interacts with the computer. Applicant should understand that all of the cited paragraphs are to be integrated together.

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In reference to Applicant's argument:

The Office has also failed to show, and applicant is unable to find, where the applied and cited references teach "generating a user interface by selecting a code module..., the act of selecting a code module including selecting a rule from a set of rules extracted from guidelines, conventions, and principles of user interface design..." as recited in Claims 19 and 25 among other limitations. The Office has again referred to paragraphs 0083, 0324, and 0326, which contain nothing whatsoever that disclose the claimed invention. Perhaps the confusion lies in the creation and delivery of feedback in the system of Bertrand et al.

Examiner's response:

Para 14 applies. The Examiner has full latitude to interpret each claim in the broadest reasonable sense. The act of selecting a code module would be related to OOP autonomous components responsible for specific tasks or rules selected from a collection of objects wherein the objects represent guidelines (Bertrand @ p 0083) and the principles of user interface design are to be found in the ICAT application developed to standardize and simplify the creation and delivery of feedback in a highly complex and open-ended environment (Bertrand @ 0324). There isn't any confusion. It is all a matter that the Examiner has full latitude to interpret each claim in the broadest reasonable sense and the claims as written, facilitate such interpretation.

In reference to Applicant's argument:

Recall that the goal of Bertrand et al. is to produce an educational tutorial system that analyzes student inputs to determine appropriate feedback to teach new skills. For example, in paragraph 0322, it describes the use of a toolbar by a student to navigate to access features of a .business simulation application including feedback. The student can have his business deliverables analyzed and receive feedback by clicking on a TEAM button. Thus, feedback is used to help a student in a business simulation. Feedback is content which may be presented via a user interface to a user-but feedback as described by Bertrand et al. is not a user interface. The system of Bertrand et al. principally is concerned with the creation and delivery of feedback but not the generation of a user interface by an expert system. To provide further emphasis, the system of Bertrand et al. did not use the expert system to produce the toolbar with which the student navigates at paragraph 0322. Even the TEAM button is pre-generated by the system of Bertrand et al. The confusion regarding feedback as used by the system of Bertrand et al. must be dispelled to understand applicant's invention.

Examiner's response:

Para 14 applies. The claims and only the claims form the metes and bounds of the invention. The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Each claim and subclaim element was addressed in the First Office Action dated May 14, 2004. Arguments are made on the basis of the applicant's claims and not on the relevance of one specification as opposed to another.

Examination Considerations

12. The claims and only the claims form the metes and bounds of the invention. "Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

13. Examiner's Notes are provided to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further

indicate other prior art that maybe applied in other office actions. Such comments are entirely consistent with the intent and spirit of compact prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art but a link to prior art that one of ordinary skill in the art would find inherently appropriate.

14. Examiner's Opinion: Paras 12. and 13. apply. The claims and only the claims form the metes and bounds of the invention. The Examiner has full latitude to interpret each claim in the broadest reasonable sense. A proper applicant response requires that the applicant respond to each point that the Examiner has made in examining the claims and subclaim elements. Examiner encourages the applicant to make all future replies in this manner.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

16. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

17. Claims 13-31 are rejected.

Correspondence Information

Any inquiry concerning this information or related to the subject disclosure should be directed to the Examiner, Joseph P. Hirl, whose telephone number is (571) 272-3685. The Examiner can be reached on Monday – Thursday from 6:00 a.m. to 4:30 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Anthony Knight can be reached at (571) 272-3687.

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks,

Washington, D. C. 20231;

or faxed to:

(571) 273-3685 (for formal communications intended for entry with notation of "Formal Entry");

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or faxed to:

(571) 273-3685 (for informal or draft communications with notation of
"Proposed" or "Draft" for the desk of the Examiner).



Joseph P. Hirl

November 3, 2004



Anthony Knight
Supervisory Patent Examiner
Group 3600